

**VETERINARY EXAMINING BOARD
FEBRUARY 23, 2005
MINUTES**

PRESENT: Marthina Greer, DVM; JoAnn Kleman, CVT; Larry Mahr, DVM; Donald Peterson, DVM; Robert Spencer, DVM; Theresa Waage

EXCUSED: James Johnson, DVM; Sarah Kamke

STAFF: Tom Ryan, Bureau Director; Ruby Jefferson-Moore, Legal Counsel; Karen Rude-Evans, Program Assistant; Tina Horton, Program Assistant; DOE Staff

GUESTS: Leslie Grendahl, WVMA; Teri Raffel, WVTa; Rachel Rothschild, UW School of Veterinary Medicine

CALL TO ORDER

Chair Larry Mahr called the meeting to order at 11:30 a.m.

APPROVAL OF AGENDA

Additions to Agenda:

- Press release from AAVSB regarding proposed requirements for the VTNE
- Memo from AAVSB regarding proposed re-take policy for NAVLE and PAVE
- Settlement Agreement and Final Order in the matter concerning Charles F. Woodward, DVM
- Memo from AAVSB regarding proposed bylaws, resolution policy and 2005 nominating form

MOTION: Donald Peterson moved, seconded by Robert Spencer, to approve the agenda with additions. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 1, 2004

Amendments to Minutes:

- Correct the word “advisor” throughout the minutes.

MOTION: Donald Peterson moved, seconded by Robert Spencer, to approve the minutes of December 1, 2004 as amended. Motion carried unanimously.

ELECTION OF OFFICERS

Chair Larry Mahr opened the floor for nominations for Chair.

MOTION: Donald Peterson moved, seconded by Theresa Waage, to nominate Larry Mahr for Chair. Motion carried.

The Chair called for nominations three times. Hearing none, the Chair called for a vote.

MOTION: Robert Spencer moved, seconded by Donald Peterson, to re-elect Larry Mahr as Chair. Motion carried.

The Chair opened the floor for nominations for Vice Chair.

MOTION: JoAnn Kleman moved, seconded by Robert Spencer, to nominate James Johnson for Vice Chair. Motion carried unanimously.

The Chair called for nominations three times. Hearing none, the Chair called for a vote.

MOTION: Robert Spencer moved, seconded by Donald Peterson, to re-elect James Johnson as Vice Chair. Motion carried unanimously.

The Chair opened the floor for nominations for Secretary.

MOTION: Marthina Greer moved, seconded by Donald Peterson, to nominate JoAnn Kleman for Secretary. Motion carried.

The Chair called for nominations three times. Hearing none, the Chair called for a vote.

MOTION: Robert Spencer moved, seconded by Donald Peterson, to elect JoAnn Kleman as Secretary. Motion carried.

APPOINTMENTS TO PANELS AND LIAISONS

Screening Panel

JoAnn Kleman, Donald Peterson, Robert Spencer, and Theresa Waage will be the members on the Screening Panel.

Credentialing Liaison

Larry Mahr will continue as the credentialing liaison. James Johnson will be the primary liaison and Marthina Greer will be the secondary liaison for veterinary faculty applications.

Digest Liaison

JoAnn Kleman will be the Regulatory Digest liaison.

ADMINISTRATIVE REPORT

Hotel Policy

Mr. Ryan reviewed the policy and forms with the Board.

Travel Policies

Mr. Ryan reviewed the policies and forms with the Board.

Summary Reports

The Summary Reports were not included this time as there is nothing new to report. The CE Committee is working on the CE Rule draft.

Meeting and Screening Dates

Mr. Ryan reviewed the meeting and screening dates with the Board.

Budget Update

Mr. Ryan reviewed the handout "Excerpt from Governor's Budget Proposal" with the Board.

PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN THE MATTER OF CHARLES WOODWARD, DVM

DOE Attorney Pamela Stach presented a proposed stipulation, final decision and order in the matter of Charles Woodward, DVM. Case advisor is Dr. Mahr. This matter will be deliberated on in closed session.

HEARING TESTIMONY AND COMMENTS ON THE CE RULE DRAFT

The CE Committee reviewed the proposed changes with the full Board.

MOTION: JoAnn Kleman moved, seconded by Robert Spencer, to approve the changes to the CE Rule draft as outlined. Motion carried unanimously.

MOTION: JoAnn Kleman moved, seconded by Robert Spencer, to appoint Dr. Larry Mahr to approve the final CE Rule draft before it is sent to the Legislature. Motion carried.

**REVIEW AND CONSIDERATION OF PETITION FOR REVIEW IN THE
MATTER OF GARY H NEWMAN, DVM**

Ruby Jefferson-Moore discussed the Petition with the Board.

**CONSIDERATION OF ORDER FIXING COSTS IN THE MATTER OF
GARY H NEWMAN, DVM**

MOTION: Donald Peterson moved, seconded by Marthina Greer, to approve the Order Fixing Costs in the matter concerning Gary H. Newman, DVM. Case advisor JoAnn Kleman abstained. Motion carried.

VTNE ELIGIBILITY AND TECHNICIAN QUALIFICATIONS

Barbara Showers addressed the Board regarding the AAVSB proposed changes in eligibility for the Veterinary Technician National Exam (VTNE). The AAVSB and PES, the owner of the VTNE, support a policy to be implemented by 2010 and recommended by the VTNE exam committee that calls for restricting the use of the VTNE to graduates of accredited veterinary technician programs, or those approved by the regulating body.

If Wisconsin wants to comply with this proposal it would require statute and rule changes. Otherwise, the Board would have to develop its own examination for veterinary technicians.

This issue will be discussed further at the next Board meeting.

REVIEW OF DIVISION OF ENFORCEMENT DISCIPLINARY OPTIONS

Attorney Pamela Stach presented a review of the Division of Enforcement (DOE) disciplinary options. Ms. Stach suggested that Board case advisors should contact the investigator assigned to a case if the case advisor feels more information is needed in order to make a recommendation. Ms. Stach also pointed out that quality of care cases are judged against the minimal standard of practice.

ANNUAL AAVSB MEETING AND REQUEST FOR MEETING TOPICS

This item was noted by the Board. No action was taken at this time.

**PRACTICE QUESTION RELATING TO
RELEASE OF PRESCRIPTIONS TO CLIENTS**

Legal Counsel Ruby Jefferson-Moore reviewed the information with the Board from Representative Hines regarding veterinarians releasing prescriptions to clients. The WVMA is opposed to the proposal as outlined and does not think this is an issue. The WVMA is concerned about food safety issues with livestock when prescriptions are used without veterinary documentation.

INFORMATIONAL ITEMS

The informational items were noted by the Board.

APPLICATION ISSUES

There were no applications to review.

EXAMINATION ISSUES

There were no examination issues to review.

RECESS TO CLOSED SESSION

MOTION: Robert Spencer moved, seconded by Theresa Waage, to recess to close session pursuant to Chapter 19.85 (1)(a), (b), (f) and (g), Wis. Stats., for the purpose of deliberation of proposed stipulation, final decision and order, a personal appearance regarding request for review of and administrative warning, consideration of a request for stay of suspension, discussion of examination issues, reviewing case status report and consulting with legal counsel. Roll call vote: Marthina Greer – yes; JoAnn Kleman – yes; Larry Mahr – yes; Donald Peterson – yes; Robert Spencer – yes; Theresa Waage – yes. Motion carried unanimously.

Open session recessed at 2:03 p.m.

RECONVENE IN OPEN SESSION

MOTION: Theresa Waage moved, seconded by Donald Peterson, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 3:29 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

PROPOSED STIPULATION, FINAL DECISION AND ORDER IN THE MATTER OF CHARLES WOODWARD, DVM

MOTION: Robert Spencer moved, seconded by Donald Peterson, to adopt the Findings of Fact, Final Decision, Order and the proposed stipulation in the matter concerning Charles Woodward, DVM. Motion carried unanimously.

**PROPOSED ADMINISTRATIVE WARNING IN THE MATTER OF
ERIC J HOLDER, DVM**

Dr. Holder appeared before the Board with his attorney, Joe Wirth. Attorney Pamela Stach appeared on behalf of the Department.

MOTION: Robert Spencer moved, seconded by Theresa Waage, to retain the administrative warning as written in the matter concerning Eric J. Holder, DVM. Case advisor JoAnn Kleman abstained. Motion carried.

DOE MONITORING

CHRISTOPHER WELCH, DVM

MOTION: Donald Peterson moved, seconded by Robert Spencer, to grant a three-month stay of suspension to Christopher Welch, DVM. Motion carried unanimously.

KENNETH MARTINSEK, DVM

MOTION: JoAnn Kleman moved, seconded by Theresa Waage, to remove the limitations from and reinstate the unlimited license of Kenneth Martinsek, DVM, as he has met all the requirements of his Order. Robert Spencer abstained. Motion carried.

CASE STATUS REPORT

MOTION: Marthina Greer moved, seconded by Donald Peterson, to close case **03 VET 042** for no violation. Motion carried unanimously.

MOTION: Donald Peterson moved, seconded by JoAnn Kleman, to close case **03 VET 066** for no violation. Robert Spencer abstained. Marthina Greer opposed. Motion carried.

MOTION: Robert Spencer moved, seconded by Marthina Greer, to close case **04 VET 010** for prosecutorial discretion and to put a hold on the license should the practitioner apply for renewal. Motion carried unanimously.

AAVSB MEETING NOMINEES

By consensus of the Board, Marthina Greer will be the delegate, with JoAnn Kleman as the alternate, to attend the AAVSB meeting.

ADJOURNMENT

MOTION: Donald Peterson moved, seconded by JoAnn Kleman, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:35 p.m.